

**THE RULES OF COURT AS  
ESTABLISHED BY THE SEVERAL  
STATE COURTS OF ILLINOIS,  
IN FORCE APRIL 1ST, 1898**

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The Rules of Court as Established by the Several State Courts of Illinois, in Force April 1st, 1898  
by Robert L. Elliott

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**ROBERT L. ELLIOTT**

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Illinois Courts.

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THE  
RULES OF COURT

AS ESTABLISHED BY THE SEVERAL STATE  
COURTS OF ILLINOIS,

EMBRACING

THE SUPREME COURT, THE APPELLATE COURT  
FIRST DISTRICT, AND THE CIRCUIT, SUPERIOR,  
CRIMINAL, COUNTY, AND PROBATE  
COURTS OF COOK COUNTY.

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IN FORCE APRIL 1st, 1898.

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COMPILED AND ANNOTATED BY  
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OF THE CHICAGO BAR.

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and government operations. The text notes that without reliable records, it becomes difficult to track the flow of funds, assess the performance of various departments, and ensure that resources are being used efficiently and effectively.

2. The second part of the document addresses the challenges associated with data collection and analysis. It highlights that while modern technology offers powerful tools for gathering and processing large amounts of information, the quality and consistency of the data can vary significantly. The text suggests that organizations should invest in training and infrastructure to ensure that data is collected in a standardized and reliable manner. Additionally, it stresses the importance of regularly updating and validating the data to maintain its accuracy and relevance over time.

3. The third part of the document focuses on the role of communication in organizational success. It argues that clear and consistent communication is crucial for aligning the goals and efforts of all team members. The text provides several strategies for improving communication, such as establishing regular meetings, using clear and concise language, and ensuring that all stakeholders have access to the information they need. It also notes that effective communication can help to build trust and foster a collaborative work environment, which are both essential for long-term success.

4. The fourth part of the document discusses the importance of continuous learning and development. It suggests that organizations should encourage their employees to pursue ongoing education and training to stay current in their fields. The text notes that this not only benefits the individual employees but also the organization as a whole, as it leads to a more skilled and adaptable workforce. Additionally, it emphasizes the importance of creating a culture of learning, where employees are encouraged to share their knowledge and experiences with one another.

5. The fifth and final part of the document provides a summary of the key points discussed and offers some concluding thoughts. It reiterates the importance of maintaining accurate records, ensuring data quality, promoting clear communication, and encouraging continuous learning. The text concludes by stating that these practices are essential for any organization that seeks to achieve its goals and maintain a competitive edge in a rapidly changing environment.



# RULES OF COURT.

## GENERALLY.

Rules of practice are certain orders made by the court for the purpose of regulating the practice of members of the bar and others, which every court of record has the inherent power to prescribe: *Owens v. Ranstead*, 22 Ill. 161; *Halloway v. Freeman*, 23 Ill. 197; *Finnegan v. Allen*, 46 App. 533.

Not only have courts inherent power to prescribe rules of practice, but such power is expressly conferred by statute. Such rules, when established, have the force of law, and are obligatory upon the court itself as well as upon the parties to causes pending before it. While the court may modify or even rescind its rules, yet until it does so it should administer them according to their terms. It has no discretion to apply them or not according to its convenience, unless such discretion is reserved in the rules themselves: *Lancaster v. W. & S. W. Ry. Co.*, 132 Ill. 492; *Chi. Anderson Pressed Brick Co. v. Sobkowiak*, 148 Ill. 573; *Spain v. Thomas*, 49 App. 249; *Gage v. Eddy*, 167 Ill. 102.

Such rules must be reasonable: *Owens v. Ranstead*, 22 Ill. 161; *Grosvenor v. Doyle*, 50 App. 31.

They must be in conformity with the general law of the State: *C. R. T. & E. R. Co. v. O'Neill*, 25 App. 313; *Rozier v. Williams*, 92 Ill. 187; *Linnemeyer v. Miller*, 70 Ill. 244; *Fisher v. National Bank of Commerce*, 73 Ill. 34; *Benson v. Johnson*, 90 Ill. 94; *Hayward v. Ramsey*, 74 Ill. 372; *Ill. Cent. R. R. Co. v. Haskins*, 115 Ill. 302; *Harrigan v. Turner*, 53 App. 292; *Nelson v. Akeson*, 1 App. 165; *Gormley v. Uthe*, 1 App. 170.

They cannot deprive a party of a substantial legal right without his consent, unless it has in some manner become

forfeited under such rules: *Crotty v. Wyatt*, 3 App. 388; *St. L. V. & T. H. R. R. Co. v. Faltz*, 19 App. 91.

Court has no power to impose upon parties not in default conditions upon compliance with which alone they can exercise their rights under the law, which the law itself does not impose: *Pekin v. Dunkelbury*, 40 App. 184.

Although a rule may be broad enough in its terms to embrace cases as to which the court has no right to impose such conditions, it must be a nullity as to such. Yet it may have full force in cases where the court has a right to impose conditions: *Moir v. Hopkins*, 21 Ill. 557.

Even an objectionable rule recognized and followed is better than an uncertain rule, or even a much better rule enunciated unnecessarily so as to work injuriously on the rights of parties who have relied thereon: *Ottawa, O. & F. R. V. R. R. Co. v. McMair*, 91 Ill. 102.

A rule may be relaxed in favor of one party where the rights of the opposite party are not prejudiced: *Johnson v. Adelman*, 35 Ill. 265.

If parties to a suit expressly, tacitly wave compliance with a rule of court, it may, in its discretion, permit them to proceed upon the real merits of the controversy between them: *Fischer v. Spane*, 43 App. 378; *E. St. L. Un. Ry. v. City of E. St. Louis*, 39 App. 398. Or it may refuse: *Waixel v. Harrison*, 35 App. 571.

To make a rule valid it must be written and entered of record and reasonable publicity given to it. It then binds the court as well as the parties: *Ill. Cent. R. R. Co. v. Haskins*, 115 Ill. 302; *Owens v. Ranstead*, 22 Ill. 161; *Beveridge v. Hewitt*, 8 App. 468.

In the absence of a contrary showing, it is presumed that a rule acted on is written, duly published, and made of record: *Ill. Cent. R. R. Co. v. Haskins*, 115 Ill. 302.

The construction of its own rules is peculiarly within the discretion of the trial court, and its rulings thereon can only be reviewed for manifest and material error: *Mix v. Chandler*, 44 Ill. 175; *Boon v. Moline Plough Co.*, 81 Ill. 293; *Field v. Chicago, Danville & Vincennes Ry. Co.*, 68 Ill. 367.

Litigants and their counsel are not chargeable with negligence in assuming that rules will be pursued and enforced. *C. R. T. Co. v. O'Neill*, 25 App. 314.

Judges can amend or alter rules of court any time before trial. Parties have no vested rights in the rules of practice or modes of procedure: *Holcomb v. People*, 79 Ill. 409. Rescission or modification of rules cannot, however, be made by judges in vacation: *Treishal v. McGill*, 28 App. 68.

Exception to a rule of court must be taken in the trial court and incorporated in the bill of exceptions: Ill. Cent. R. R. Co. v. Haskins, 115 Ill. 302; Harrigan v. Turner, 53 App. 292; Morgan v. Campbell, 54 App. 242.

Supreme and Appellate Courts do not take judicial notice of the rules of the courts below: Anderson v. McCormick, 129 Ill. 308; Roby v. Title Guar. & T. Co., 166 Ill. 336; Gudgeon v. Casey, 62 App. 599; Kessel v. O'Sullivan, 60 App. 548; Hefling v. Van Zandt, 60 App. 662. The record in which the rules of court are entered is the only competent evidence to prove their existence: Roby v. Title Guar. & Trust Co., 166 Ill. 336; Davis v. Northwestern Elevated R. R. Co., 170 Ill. 595.